THE HONBLE SRI JUSTICE GODA RAGHURAM

W.P.No.17503 of 2006

Date 28.08.2006

Between:
Ch.RamaKrishna & another.

..... PETITIONER

AND

The District Collector & others.

.....RESPONDENTS

THE HONBLE SRI JUSTICE GODA RAGHURAM

W.P.No.17503 of 2006

O R D E R:

A notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') is stated to have been issued on 17-07-2006 whereby the petitioner lands in an extent of Ac.0.57 cents in each Sy.No.49/1A and 49/2 of Kothapadu village, Iragavaram Mandal, West Godavari District, were also to be acquired. The notification under Section 4(1) of the Act was published in Telugu daily on 19-07-2006. The second respondent issued a notification in Form-3, dated 29-07-2006 calling upon the petitioners to submit their objections pursuant to an enquiry proposed under Section 5-A of the Act. Petitioners assert to have appeared before the second respondent and put forth their objections claiming to be landless poor having no other lands except the lands to be acquired and would face severe financial loss should their lands be acquired. Petitioners also assert that the second respondent recorded their statements. Petitioners sought a further opportunity from the second respondent to be heard further, to submit any documentary evidence that they wish to marshal in support of their objections to the effect that government lands in proximity to theirs could have been beneficially utilised for providing house sites to the weaker sections, instead of acquiring their lands. Petitioners were orally informed they contend, by the office of the second respondent, that the second respondent had himself rejected their objections and had also prepared pattas for distribution to weaker sections in view of the ensuing Independence Day. On these assertions and based on such apprehension, the writ

petition is filed for a direction to the respondents to hear their further objections.

Section 5A(2) of the Act enables a person aggrieved to submit his objections in writing and enjoins the Collector, after hearing of such objections and after making such further enquiry as is considered necessary to make a report or reports to the appropriate government setting out on the objections of the Collector together with the record of the proceedings held by him, for the decision of the Government. The appropriate government is required to take a final decision on the objections. The scheme of Section 5A(2) of the Act does not postulate an elaborate trial to be conducted on the objections to the land acquisition proposals. Landowners are entitled to put forth their objections to proposals to acquire their lands and along with such objections, they may marshal such documentary evidence as they consider material or relevant. Endless opportunity provided to land owners in a 5A enquiry under the Act would severely prejudice the scheme of acquisition where the Government or the Collector exercises the State's power of eminent domain. Land acquisition is a compulsory purchase at market value. Section 5A of the Act provides a salutary mechanism for sensitizing the State as to any peculiar circumstances that a particular land owner may have to be considered by the State while exercising the power of eminent domain in respect of such lands. There is in this sense not a *lis* between the State and the landowner that requires an elaborate and protracted process of adjudication.

On the aforesaid analysis, the petitioners' grievance does not posit a legal profile warranting adjudication under Article 226 of the Constitution of India. The writ petition is dismissed. No order as to costs.

28-08-2006

usd